

Joint Proposal for Foster Care Review and Court Appointed Special Advocate Programs

Suggestions for statutory revisions regarding the operation of the Court Appointed Special Advocate program and the Foster Care Review program under the authority of a single board established within the Department of Inspections and Appeals.

I. Amend section 10A.104, subsection 2, Code 2001, to read as follows:

2. Appoint the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, members of the employment appeal board, ~~and~~ administrator of the state citizen foster care review board and administrator of the court appointed special advocate program. All persons appointed and employed in the department are covered by the provisions of chapter 19A, but persons not appointed by the director are exempt from the merit system provisions of chapter 19A.

II. Create a new chapter with sections establishing a new board and its duties followed by a division for court appointed special advocate program and a division for the foster care review program.

A. The new board can be named the Child Advocate Board.

B. One option is to rename the current Foster Care Review Board as the Child Advocate Board and add 2 more members. In addition, the responsibilities of the new board would be expanded to include the court appointed special advocate program. The additional specific duties include:

1. Set Iowa court appointed special advocate program standards for existing programs, including but not limited to standards for selection and screening of volunteers, pre-service training, ongoing education, and assignment and supervision of volunteers.
2. Authorize the establishment of new court appointed special advocate programs.
3. Promote adherence to the National CASA guidelines for state and local CASA programs.
4. Publish an annual report of the program directed to the general assembly, the governor, and the supreme court.
5. Employ appropriate CASA staff in accordance with available funding. The board shall coordinate with the department of inspections and appeals regarding administrative functions of the board.

C. Provide the new board with the following additional statutory authority:

The board may receive gifts, grants, or donations made for any of the purposes of its programs and disburse and administer them in accordance with their terms and under the direction of the director. Any funds so received shall be used according to any

restrictions attached thereto and any unrestricted funds shall be retained and applied to the program budget for the next succeeding fiscal year.

III. Include the following provisions in the division entitled Court Appointed Special Advocate

A. Definitions (from 232.2(9))

1. “Court appointed special advocate” means a person duly certified ~~by the judicial branch~~ for participation in the court appointed special advocate program and appointed by the court to represent the interest of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from such proceeding.
2. Duties of the court appointed special advocate are found in Chapter 232.2(22). An additional duty shall be to submit a written report to each of the legal parties containing results of the court appointed special advocate’s initial investigation of the child’s case, including recommendations regarding placement of the child and based on the best interest of the child; and subsequent reports, as needed, detailing the continuing situation of the child’s case as long as the child remains under the jurisdiction of the court;
3. Court appointed special advocate program means an office duly authorized by the child advocate board authorized under this chapter.

B. Access to records

1. The court appointed special advocate and staff have access to child abuse records according to the provisions of Iowa Code Chapter 235A.15(2)(d)(5).
2. The court appointed special advocate and employees have access to juvenile court records according to the provisions of Iowa Code Chapter 232.147(3)(c).

C. Appointment of a court appointed special advocate

1. A court appointed special advocate may be appointed to child in need of assistance case according to the provisions of Iowa Code Chapter 232.89(5), “Right and appointment of counsel.”
2. A court appointed special advocate may be appointed to a family in need of assistance case according to the provisions of Iowa Code Chapter 232.126, “Right and appointment of counsel and guardian ad litem.”

D. Confidentiality

1. The identifying information of the court appointed special advocate, other than name, is not public information. For the purpose of this section the court appointed special advocate volunteer shall be a member of a “public body” as referred to in Section 22.7(11).
2. Confidentiality of client records is governed by Iowa Code chapter 232.147, “Confidentiality of juvenile court records.”
3. Court appointed special advocates and employees are subject to standards of confidentiality pursuant to sections 217.30, 228.6, subsection 1, sections 235A.15, 600.16, and 600.16A. Court appointed special advocates and employees who

disclose information or records other than as provided in subsection 2, are guilty of a simple misdemeanor.

IV. Require the new board to report to the General Assembly on cost-saving measures.

Report to the legislature. On or before February 1, 2003, the child advocate board shall submit to the General Assembly a report containing recommendations on any joint cost-saving measures that could be implemented jointly by the two programs as well as a plan for statewide expansion of both programs.